



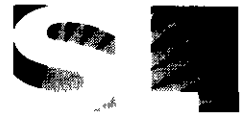
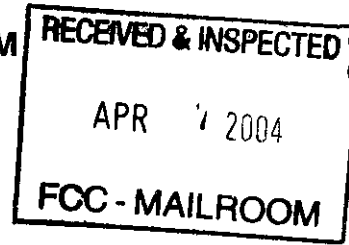
JUSTICE DIVISION
MAIN OFFICE

Jerry G. Campbell
Division Director

DISTRICT ATTORNEY

SALT LAKE COUNTY

DAVID E. YOCOM
DISTRICT ATTORNEY



**SALT LAKE
COUNTY**

Robert Stott
Assistant Division Director

Kent Morgan
Assistant Division Director

March 23, 2004

Marlene H Dortch, Secretary
Federal Communications Commission
445 12th Street, S W
Washington, D.C. 20554

Dear Secretary Dortch:

**COMMENTS ON THE CALEA PETITION FOR RULEMAKING
RM-10865/DA No. 04-700**

The Salt Lake County District Attorney's Office, State of Utah, submits these comments on the U.S. Department of Justice's, Federal Bureau of Investigation's, and the U.S. Drug Enforcement Administration's Joint Petition ("Petition") filed on March 10, 2004, before the Federal Communications Commission requesting that the FCC resolve, on an expedited basis, various critically important issues arising from the implementation of the Communications Assistance for Law Enforcement Act.

It is absolutely critical to Law Enforcement that the FCC adopt the rules proposed by the DOJ, FBI, DEA in the above Petition. CALEA was enacted by Congress to ensure that Law Enforcement had the ability to conduct court ordered wiretaps in the rapidly changing world of digital communication. Since the enactment of CALEA a number of new communication technologies has emerged including broadband internet access, voice over IP telephony ("VoIP"), push-to-talk digital dispatch services, and other packet mode services. Many providers of these communications services, used by millions, have failed to voluntarily adopt currently available CALEA intercept solutions, leaving Law Enforcement without the necessary tools to implement lawfully authorized surveillance intercepts. It is obvious that voluntary industry compliance does not work with CALEA.

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Further, state and local law enforcement agencies do not have the financial and/or personnel resources to develop costly surveillance solutions for each new communication service, nor should they have to under current law. For all equipment, services, and facilities deployed after January 1, 1995, Congress, through CALEA, expressly passed the burden of designing and paying for such surveillance solutions onto the telecommunications carriers themselves. Currently some carriers are charging fees in excess of \$2000 per authorized intercept order, extension, or amendment for simply provisioning, continuing, or modifying a surveillance. These costs greatly impede and in many cases prohibit state and local law enforcement from conducting telephonic surveillances, going against the intent of CALEA.

Given the importance of the issues discussed above, it is imperative that the FCC promptly act upon the Petition and commence a rulemaking proceeding adopting the DOJ's, DEA's, and FBI's proposed rules.

Respectfully submitted,



David E Yocom
Salt Lake County District Attorney

cc: Sen. Orrin G. Hatch
Rep. Chris Cannon
Rep. Rob Bishop

Sen. Robert Bennett
Rep. Jim Matheson